

Entered -03-27-01 - sb  
CL 01L0191 - GWENDOLYN BURNS

01- *R*-1548

CLAIM OF: JOSEPH A. MARASIA  
740 Sydney Marcus Blvd, NE, Apt. 5004  
Atlanta, Georgia 30324

For vehicular damages alleged to have been sustained from driving over  
a sign that had fallen into the roadway on March 6, 2001 at 1545  
Peachtree Road, NE.

THIS ADVERSED REPORT IS  
APPROVED

BY: *Rosalind Rubens Newell*  
ROSALIND RUBENS NEWELL  
DEPUTY CITY ATTORNEY *Robert N. Cy DCA*

DEPARTMENT OF LAW - CLAIM INVESTIGATION SUMMARY

Claim No. 01L0191

Date: September 14, 2001

Claimant /Victim JOSEPH A. MARASIA  
BY: (Atty) (Ins. Co.) \_\_\_\_\_  
Address: 740 Sydney Marcus Boulevard, NE, Apt. 5004, Atlanta, Georgia 30324  
Subrogation: \_\_\_\_\_ Claim for Property damage \$ 2,415.89 Bodily Injury \$ \_\_\_\_\_  
Date of Notice: 3/16/01 Method: Written, Proper X Improper \_\_\_\_\_  
Conforms to Notice: O.C.G.A. §36-33-5 X Ante Litem (6 Mo.) X  
Date of Occurrence 3/6/01 Place: 1545 Peachtree Road, NE  
Department PUBLIC WORKS Division Traffic and Transportation Services  
Employee involved \_\_\_\_\_ Disciplinary Action: \_\_\_\_\_

NATURE OF CLAIM: Claimant alleges that he sustained vehicular damage when he drove over a sign that had fallen in the roadway. However, an investigation determined that the City did not have notice of this problem prior to claimant's incident. The operation and maintenance of street signs, markings and traffic control devices are governmental functions and the City is protected by sovereign immunity as set forth in O.C.G.A §36-33-1.

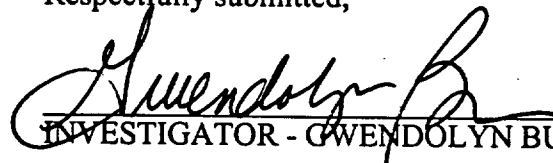
INVESTIGATION:

Statements: City employee \_\_\_\_\_ Claimant \_\_\_\_\_ Others \_\_\_\_\_ Written \_\_\_\_\_ Oral \_\_\_\_\_  
Pictures \_\_\_\_\_ Diagrams \_\_\_\_\_ Reports: Police \_\_\_\_\_ Dept Report X Other \_\_\_\_\_  
Traffic citations issued: City Driver \_\_\_\_\_ Claimant Driver \_\_\_\_\_  
Citation disposition: City Driver \_\_\_\_\_ Claimant Driver \_\_\_\_\_

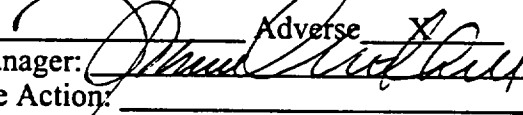
BASIS OF RECOMMENDATION:

Function: Governmental X Ministerial \_\_\_\_\_  
Improper Notice \_\_\_\_\_ More than Six Months \_\_\_\_\_ Other X Damages reasonable \_\_\_\_\_  
City not involved \_\_\_\_\_ Offer rejected \_\_\_\_\_ Compromise settlement \_\_\_\_\_  
Repair/replacement by Ins. Co. \_\_\_\_\_ Repair/replacement by City Forces \_\_\_\_\_  
Claimant Negligent \_\_\_\_\_ City Negligent \_\_\_\_\_ Joint \_\_\_\_\_ Claim Abandoned \_\_\_\_\_

Respectfully submitted,

  
INVESTIGATOR - GWENDOLYN BURNS

RECOMMENDATION:

Pay \$ \_\_\_\_\_ Adverse X Account charged: 1A01 \_\_\_\_\_ 2J01 \_\_\_\_\_ 2H01 \_\_\_\_\_  
Claims Manager:  Concur/date 09-14-01  
Committee Action: \_\_\_\_\_ Council Action \_\_\_\_\_

COUNCIL OF THE CITY OF ATLANTA  
MUNICIPAL CLERK  
City Hall  
55 Trinity Avenue, S.W.  
Atlanta, Georgia 30335

RE: CLAIM FOR DAMAGES

Today's Date: 3-13-01

MAR 16 2001

ENTERED - 3-27-01 - SB  
01L0191 - GWEN BURNS

Dear Municipal Clerk:

This is to notify the City of Atlanta that I have suffered damages in the amount sum of \$ 2,415.89 [ESTIMATE 1] property and/or \$ 1,837.39 [ESTIMATE 2] bodily injury for which I contend the City is liable.

1. Date of incident: MARCH 6 2001 2. Time of Incident: 1:30pm 3. Police called: X  
(month/day/year) Yes No
4. Location of incident (including street address): Peachtree Road NE just north of Angelo and Marie's Steakhouse at 1545 Peachtree
5. Name of your insurance company: Progressive Policy No. 30115419-002
6. State what and how incident occurred: I was driving north on Peachtree Road. I had just switched lanes when I hit a city sign that had fallen across all 6 lanes. The sign whipped around my car sending me into a spin and damaging the body of my Jeep.
7. ALL ESTIMATES AND DAMAGES ARE SUBJECT TO INSPECTION. THE MAKING OF FALSE CLAIMS WILL RESULT IN YOUR CLAIM BEING DENIED AND MAY RESULT IN CRIMINAL PROSECUTION!
8. The registered owner must make the claim for vehicle damages, complete the following and attach two (2) estimates of repair and proof of ownership of your vehicle (copy of the current tag receipt or title).  
Your vehicle: Jeep Cherokee 1988 942 WDK Joseph Marasia  
(Make) (Year) (Tag Number) (Driver's Name)  
City vehicle: \_\_\_\_\_  
(Make) (City Driver's Name) (Department/Bureau)
9. Witness: \_\_\_\_\_  
(Name) (Address) (Telephone Number)
10. The acknowledgment of this claim in no way waives the Sovereign immunity of the City of Atlanta, as granted by State law, nor is it an admission of liability on behalf of the City of Atlanta and/or its employee(s).
11. This claim should be mailed immediately to the address shown above.

I HEREBY SWEAR OR AFFIRM THAT THE ABOVE INFORMATION IS TRUE AND CORRECT.

Joseph Marasia  
Signature of Claimant

01-R-1548

3-13-01

Joseph A. Marasia

(Print Claimant's Name)

740 Sydney Marcus Blvd NE  
APT 5004 (Address)

ATL GA 30324

(City, State and Zip Code)

404-760-1337 (H) 678-642-1942 (C)  
(Work Number) (Home Number)

(678) 642-1942

\*NOTE: As of 3-13-01 the sign is still down and in front of 1615 Peachtree Road.

Entered -07-23-01 - sb  
CL 01L0468 - GWENDOLYN BURNS

CLAIM OF: ROBERT HAAN  
183 Edgewood Avenue  
Atlanta, Georgia 30303

01-*L*-1549

For property damages alleged to have been sustained from a sewer  
back up on March 1, 2001 at 183 Edgewood Avenue.

THIS ADVERSED REPORT IS  
APPROVED

BY: *Rosalind Rubens Newell*  
ROSALIND RUBENS NEWELL *Rub N Cy DCA*  
DEPUTY CITY ATTORNEY